

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

INA STEINER, DAVID STEINER, and
STEINER ASSOCIATES, LLC,

Plaintiffs,

V.

EBAY INC., et al.,

Defendants.

Civil Action No. 21-CV-11181-PBS

**JOINT MOTION OF PLAINTIFFS AND DEFENDANT EBAY INC. FOR ENTRY OF
PROPOSED BRIEFING SCHEDULE ON ISSUE OF PUNITIVE DAMAGES**

Pursuant to this Court’s minute order dated July 18, 2024, Dkt. 418, Plaintiffs and Defendant eBay Inc. (the “Moving Parties”) jointly submit this proposed briefing schedule for cross-motions for partial summary judgment as to the whether the availability of punitive damages in this case is subject to Massachusetts law or California law. As grounds for this motion, the Moving Parties state as follows:

1. The Moving Parties agree that Massachusetts law governs Defendants' liability and the issue of compensatory damages, but disagree over whether Massachusetts or California law governs the availability of punitive damages here.
2. Given the importance of this issue, on July 18, 2024, the Moving Parties appeared for a status conference to bring the issue to the Court's attention.
3. At the status conference, the Court directed the parties to raise this issue for resolution by the Court via partial motions for summary judgment. In a minute order, the Court further directed the parties to file a joint proposed briefing scheduling on this issue. *See* Dkt. 418.

4. The Moving Parties have conferred and respectfully request that the Court enter the following briefing schedule:

- By July 26, 2024, Plaintiffs and eBay shall each serve a motion for partial summary judgment and memorandum of law in support of such motion. Such memoranda shall be limited to 20 pages each.
- By August 2, 2024, Plaintiffs and eBay shall each serve their respective memorandum of law in opposition to one another's motions for partial summary judgment. Such memoranda shall be limited to 10 pages each.
- No reply briefs shall be permitted.

WHEREFORE, the Moving Parties respectfully request that the Court enter an order setting the briefing schedule as set forth above.

Dated: July 22, 2024

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on July 22, 2024, this document, filed through the CM/ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

Dated: July 22, 2024

/s/ Jack W. Pirozzolo

Jack W. Pirozzolo